

03-MDL-1570 (GBD)(SN)

In re: TERRORIST ATTACKS ON SEPTEMBER 11, 2001

CONSENT MOTION TO SET FIRM DEPOSITION DATES

Comes now Defendant Wael Jelaidan, through undersigned counsel, AND hereby asks the Court to modify this Court's previous order at ECF No. 5199, to allow for the rescheduling of Mr. Jelaidan's deposition on the afternoon (Jeddah time) of November 25th and 26th, 2019, beginning at 2:30 pm local time (7:30 am in New York). Mr. Jelaidan and his counsel understand that all other conditions of that order would apply and agree to comply with each of those conditions. As revealed by the attached email from Mr. Jelaidan's counsel in Jeddah (Bassim A. Alim, who does not represent Mr. Jelaidan in this MDL, is not a U.S. counsel authorized to practice before this Court, and has, therefore, not entered an appearance here), Mr. Jelaidan has advised that he is available on these dates for his deposition.

As this court knows, it has authorized the parties to consent to conducting Mr. Jelaidan's deposition via remote means, using electronic audio and video link; and the parties have agreed to conduct the deposition from a location in Jeddah arranged by the court reporting agency recording Mr. Jelaidan's deposition. Unfortunately, however, counsel for Mr. Jelaidan has been engaged in a protracted and frustrating series of emails attempting to confirm the time and date for Mr. Jelaidan's deposition. Despite numerous attempts, Mr. Jelaidan's counsel in Jeddah, Bassim A. Alim, has been unable until now to nail down a specific time for the deposition. He has offered two options. The parties have conferred and have agreed to the dates indicated above. He has also apprised us that he will have difficulty blocking out other weeks and asks that we set a date as soon as possible. (see attached email.)

Plaintiff's counsel, Robert T. Haefele, Esquire, for the Plaintiffs' Executive Committees, has suggested we bring this matter to the Court's attention to secure an appropriate discovery extension to the schedule the Court previously set in ECF No. 5199. On behalf of the Plaintiffs, Mr. Haefele advised that the Plaintiffs would agree to Mr. Jelaidan's request to modify the schedule set out in ECF No. 5199, provided that the resulting Order specifically provides that all other requirements in that order remain in full force, and provided that Mr. Jelaidan agrees, and the Court's order requires, that unless Plaintiffs consent otherwise, Mr. Jelaidan's deposition cannot be attended (either in person or via video link) by any person who is not: (1) U.S. counsel in this MDL for Mr. Jelaidan (or that counsel's U.S. staff); (2) U.S. counsel in this MDL for another defendant (or that counsel's U.S. staff); (3) counsel for the plaintiffs (or that counsel's staff); or (4) the reporter, videographer, or translator hired for the purpose of the deposition. Mr. Jelaidan agrees to each of these conditions.

Wherefore, Mr. Jelaidan's counsel asks that the Court order the deposition to take place on the dates identified above, pursuant to the above-referenced conditions.

Respectfully submitted,

Martin F. McMahon, Esquire

/s/ Martin McMahon

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CERTIFICATE OF SERVICE

I certify that on October 31, 2019 I filed the foregoing pleading with the Clerk of Court using the electronic filing system CM/ECF, which will presumably send a copy of this file to all parties registered to receive it, including counsel of record.

/s/ Martin F. McMahon